



**U.S. Department of Justice**  
*United States Attorney*  
*Western District of New York*

*Further inquiries: (716) 843-5814*

---

*138 Delaware Avenue*  
*Buffalo, New York 14202*

# **PRESS RELEASE**

April 19, 2006

## **JURY CONVICTS NIAGARA COUNTY JAIL INMATE OF THREATENING A FEDERAL WITNESS**

**RE: *UNITED STATES v. TRACY MARACLE***

United States Attorney Terrance P. Flynn announces that earlier this afternoon, following a four day trial and two days of deliberations, a federal court jury found Tracy Maracle, 35, of 6118 Ruhlman Road, Lockport, and who is currently an inmate at the Niagara County Jail, guilty of conspiring to tamper with a witness in a federal grand jury investigation, in violation of Title 18, United States Code, Sections 1512(k).

Assistant U.S. Attorney Anthony M. Bruce, who, with AUSA Fauzia Khan, tried the case, stated that the evidence at trial was that Maracle coerced fellow inmate Timothy Smider to write a rambling 13-page false statement that repudiated an earlier

statement he had given under oath by telling Smider that one David Cain, Jr. would kill Smider if Smider did not sign the statement, and that Cain, Jr. would kill Smider if Smider ever testified against Cain, Jr. In the earlier, sworn statement, Smider told authorities that he witnessed Cain, Jr. run down Cain's girlfriend, Cheryl Wagner, with an SUV, breaking Wagner's pelvis and cracking a vertebrae.

The jury acquitted Maracle of a second count of witness tampering.

Chief Judge Richard J. Arcara set sentencing for July 31, 2006. Maracle faces a Federal Guidelines sentence of 84-105 months.

Maracle had been charged in an indictment handed up on December 6, 2005. That indictment grew out of a still-on-going investigation being carried out by the Niagara County Sheriffs Office under Sheriff Thomas Beilein, the Orleans County Sheriff's Office under Sheriff Scott Hess, the Bureau of Alcohol, Tobacco, Firearms and Explosives under Resident Agent in Charge David R. DeJoe, and the Federal Bureau of Investigation under the direction of Acting Special Agent in Charge Karen Spangenberg, with further assistance coming from the Niagara County District Attorney's Office and District Attorney Matthew J. Murphy III and the Orleans County District Attorney's Office and District Attorney Joseph V. Cardone.

